



CITY OF MORGAN HILL  
COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Dennis Kennedy, Mayor  
Hedy L. Chang, Mayor Pro Tempore

Cynthia J. Cook, Council Member  
Steve Tate, Council Member  
Greg Sellers, Council Member

**CITY COUNCIL AGENDA**

**REGULAR MEETING**

**WEDNESDAY, MARCH 17, 1999**

**7:00 PM**

**CALL TO ORDER**

( Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

*Haru Matsuri Festival Day*

**CERTIFICATES OF RECOGNITION**

El Toro Elementary School

Britton Middle School

*Donations to La Isla Pacifica Battered Women's Shelter*

**CITY COUNCIL REPORT**

Council Member Cook

**CITY MANAGER'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS  
AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**CONSENT CALENDAR:**

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	<b>Page</b>
1. <b><u>FEBRUARY FINANCE AND INVESTMENT REPORT</u></b> .....	<b>1</b>
<b><u>Recommended Action:</u> Accept and file report.</b>	
2. <b><u>JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM</u></b> .....	<b>29</b>
<b><u>Recommended Action:</u> Adopt a Resolution supporting a County grant proposal to implement an automated truancy tracking system and release grant awards that could be obtained by the City to the County for this purpose.</b>	
3. <b><u>ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR KOLE - JARVIS DRIVE (SOUTH)</u></b> .....	<b>37</b>
<b><u>Recommended Action:</u> 1) <u>Adopt</u> the attached Resolution accepting the public improvements for Kole - Jarvis Drive (south) and 2) <u>direct</u> the City Clerk to file a Notice of Completion with the County Recorder's office.</b>	
4. <b><u>1998 ANNUAL WATER QUALITY REPORT</u></b> .....	<b>43</b>
<b><u>Recommended Action:</u> Informational item only.</b>	
5. <b><u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH KEATARA INVESTMENTS, LLC APN 817-19-008 (LANDS OF CHENG)</u></b> .....	<b>49</b>
<b><u>Recommended Action:</u> Approve the attached Subdivision Improvement Agreement and <u>authorize</u> the City Manager to sign the agreement on behalf of the City with Keatara Investment, LLC (APN 817-19-008).</b>	
6. <b><u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS ) QUARTERLY REPORT NO. 1</u></b>	<b>61</b>
<b><u>Recommended Action:</u> Accept the report by minute action.</b>	
7. <b><u>APPROVAL OF SPECIAL MEETING ACTION MINUTES OF FEBRUARY 27, 1999</u></b> .....	<b>77</b>
8. <b><u>APPROVAL OF SPECIAL JOINT MEETING ACTION MINUTES OF MARCH 2, 1999</u></b> .....	<b>79</b>
9. <b><u>APPROVAL OF REGULAR MEETING MINUTES OF MARCH 3, 1999</u></b> .....	<b>81</b>

**LEGALLY NOTICED PUBLIC HEARINGS:**

10. <b><u>EXEMPTION TO UNDERGROUND OVERHEAD UTILITIES - 17705 HALE AVENUE, #C, PARK PLAZA DEVELOPMENT</u></b> .....	<b>89</b>
<b><u>Recommended Action:</u> Request staff presentation.</b>	
<b><u>Public Hearing opened.</u></b>	
Please limit your remarks to 3 minutes. <b><u>Public Hearing closed.</u></b>	
Council discussion.	
Action -	<b><u>Motion to make finding</u></b> that installation of underground utilities on such a small scale would be uneconomical and that said improvement can hereafter be installed more economically and efficiently as a portion of a larger project;
Action -	<b><u>Motion to grant</u></b> exemption to the requirement to underground overhead utilities with payment in lieu of the proposed improvements at 17705 Hale Avenue, #C, for the Park Plaza Development.

11. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FY1999-2000)** ..... 97  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to Adopt Resolution for the appropriation of FY1999-2000 Federal CDBG funds;  
Action - Motion to appropriate unexpended FY98-99 Federal CDBG funds;  
Action - Motion to authorize the City Manager to take all steps necessary for implementation of the CDBG Program including execution of all required contracts.
12. **ZA -98-23: MISSION VIEW-ELDER CARE ALLIANCE** ..... 193  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to approve Negative Declaration;  
Action - Motion to waive the reading in full of the Ordinance approving the Planned Unit Development (PUD);  
Motion to introduce PUD Ordinance by title only.

**OTHER BUSINESS:**

13. **TRANSIENT OCCUPANCY TAX AUDIT** ..... 217  
**Recommended Action:** 1) Authorize the City Manager to enter into a contract to audit the Transient Occupancy Tax collections of hotels and motels in the City and 2) authorize a budget appropriation of \$7,500 from the General Fund fund balance to fund the anticipated cost of the TOT audit services.
14. **CALPINE POWER PLANT PROPOSAL** ..... 219  
**Recommended Action:** Direct staff to schedule review of the proposed General Plan amendment and EIR when they are distributed for public and agency comment.

**SECOND READING OF ORDINANCE:** The titles having previously been read, no second reading is required.  
(Government Code Section 36934)  
**Action -- Adopt** Ordinance by roll call vote.

15. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1423, NEW SERIES** ..... 221  
An Ordinance of the City Council of the City of Morgan Hill authorizing an amendment to the contract between the City Council of the City of Morgan Hill and the Board of Administration of the California Public Employees' Retirement System.
16. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1424, NEW SERIES** ..... 237  
An Ordinance of the City Council of the City of Morgan Hill approving a Development Agreement with GNM Construction for a 13-unit Measure P single family residential development plus four replacement units awarded an allocation through the Residential Development Control System for Fiscal Year 1999-2000 and Fiscal Year 2000-2001.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

1. Surplus Computers
2. Discussion Regarding Establishing a Task Force Regarding Coyote Valley Development -R Requested by Mayor Kennedy
3. Y2k Update Report
4. Commission Interviews and Appointments
5. 4/7/99 at 4:30 - 6:00 PM, Dunne Avenue Pud Workshop
6. 4/7/99 at 6:00 PM, Finance & Audit Committee Meeting



## **CITY OF MORGAN HILL**

**17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037**

---

### **PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

### **PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

### **NOTICE**

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

### **NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

### **NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.